

## Article 6. Special Forms of Permits

### §66270.60. Permits by Rule.

(a) Notwithstanding any other provision of this chapter, all variances previously issued to owners or operators of hazardous waste management units or facilities for treatment activities which are eligible for permit by rule are revoked effective May 1, 1992. This revocation date does not apply to temporary household hazardous waste collection facilities or K-12 schools hazardous waste collection, consolidation, and accumulation facilities (SHWCCAF) eligible for operation pursuant to article 5 of chapter 45 (commencing with section 67450.40). The owner or operator of a SHWCCAF operating under a variance issued by the department may continue operation under the conditions of the variance until the variance expires.

(b) No TTU owner or operator authorized to treat hazardous waste pursuant to a permit by rule before January 1, 1992, shall be deemed to have a permit after May 1, 1992 unless the TTU owner or operator submits a notification as specified in section 67450.2(a) and receives an acknowledgement from the Department authorizing operation of the TTU.

(c) An owner or operator who has been issued a formal hazardous waste facility permit pursuant to Health and Safety Code section 25200, or granted interim status pursuant to Health and Safety Code section 25200.5 for a unit or facility which is otherwise eligible for operation pursuant to a permit by rule may convert to operation pursuant to a permit by rule as follows:

(1) An owner or operator who has been issued a formal hazardous waste facility permit shall submit a written request for a permit modification to the Department pursuant to section 66271.4. All requirements established in the hazardous waste facility permit shall remain in effect pending completion of the modification proceedings.

(2) An owner or operator who has been granted interim status or another grant of authorization other than those specified in paragraph (3), and who intends to operate under a permit by rule shall advise the Department, in writing, of intent to operate pursuant to a permit by rule, request withdrawal of a submitted Part B application, if applicable, and submit the notification specified in subsection (d)(6)(A) of this section or section 67450.2(b)(2), whichever is applicable to the CUPA or authorized agency.

(d) Except as provided in Section 67450.9, the following shall be deemed to have a permit if the conditions listed are met:

(1) The owner or operator of a publicly owned treatment works (POTW). The owner or operator of a POTW which accepts hazardous waste for treatment, shall be deemed to have a permit if the requirements of subsections (d)(1)(A) through (d)(1)(E) of this section are met:

(A) The owner or operator shall have a National Pollutant Discharge Elimination System (NPDES) permit and waste discharge requirements issued by a Regional Water Quality Control Board;

(B) The owner or operator shall comply with the conditions of the NPDES permit and waste discharge requirements;

(C) The owner or operator shall comply with the following regulations:

1. Section 66264.11, Identification Number;
2. Section 66264.71, Use of Manifest System;
3. Section 66264.72, Manifest Discrepancies;
4. Section 66264.73(a) and (b)(1), Operating Record;
5. Section 66264.75, Annual Report; and
6. Section 66264.76, Unmanifested Waste Report,
7. For NPDES permits issued after November 8, 1984, section 66264.801.

(D) The waste shall meet all Federal, State, and local pretreatment requirements which would be applicable to the waste if it were being discharged into the POTW through a sewer, pipe, or similar conveyance;

(E) Hazardous wastes generated by a POTW shall be managed in compliance with the requirements of this chapter.

(2) The owner or operator of an ocean disposal barge or vessel. The owner or operator of a barge or other vessel which accepts hazardous waste for ocean disposal, shall be deemed to have a permit if the requirements of subsections (d)(2)(A) through (d)(2)(C) of this section are met:

(A) The owner or operator shall have a permit for ocean dumping issued under Title 40, CFR, Part 220 (Ocean Dumping, authorized by the Federal Marine Protection, Research, and Sanctuaries Act, Title 33, U.S.C., Section 1420 et seq.);

(B) The owner or operator shall comply with the conditions of that permit; and

(C) The owner or operator shall comply with the regulations specified in subsection (d)(1)(C) of this section.

(3) The owner or operator of a Transportable Treatment Unit (TTU). The owner or operator of a TTU that treats hazardous waste shall be deemed to have a permit when the requirements of section 67450.2(a) and 67450.3(a)(3) are met and the Department acknowledges authorization of the TTU pursuant to sections 67450.2(a)(3) and 67450.3(b).

(4) The owner or operator of a Fixed Treatment Unit (FTU). The owner or operator of a FTU that treats hazardous waste shall be deemed to have a permit when the requirements of section 67450.2(b) are met.

(5) The operator of a temporary household hazardous waste collection facility (THHWCF). The operator of a

THHWCF shall be deemed to have a permit when the operator complies with subsections (d)(5)(A) and (d)(5)(B) of this section. For purposes of this section, the public agency signing the notification required by subsection (d)(5)(A) of this section shall be deemed to have the permit to operate the THHWCF and shall assume all the responsibilities of an operator as specified in the sections applicable to THHWCFs. A public agency operating a THHWCF may enter into a written agreement with a person (contractor) to conduct the operations at the facility. The public agency shall be deemed the operator for the purposes of Chapters 20 and 45, and the other party to the agreement shall be deemed the contractor for the purposes of Chapters 20 and 45.

(A) The operator of a THHWCF shall submit, in person or by certified mail with return receipt requested, a Temporary Household Hazardous Waste Collection Facility Permit by Rule Notification (DTSC Form 8464) (9/94) to CUPA or authorized agency. Each notification may address all THHWCF events to be held at a given location during a single reporting period (January 1 through December 31). If significant changes to the notification information occur during the reporting period, an amended notification must be submitted immediately. The notification shall be submitted a minimum of 45 days in advance of the date the first session of the THHWCF commences operation. Each notification required by this subsection shall be completed, dated and signed according to the requirements of Section 66270.11 as those requirements apply to permit applications and shall be submitted with all of the following:

1. the name, mailing address and telephone number of the operator;
2. the facility name, address or legal description of the facility location and identification number issued by the Department;
3. an indication whether the facility will accept wastes from small quantity commercial sources;
4. a list of the days and hours of operation including alternate dates as appropriate;
5. the name, address and telephone number of the contact person for the THHWCF;
6. a listing of the local authorities that have been notified of the intended operation;
7. a listing of all local permits obtained for the operation of the facility;
8. an indication of an agreement between the property owner and facility operator allowing operation of the THHWCF; and

(B) Each THHWCF operator shall comply with the requirements specified in Section 67450.4 between the time the THHWCF session commences and the time the requirements of Section 67450.4(f) are met.

(6) The operator of a permanent household hazardous waste collection facility (PHHWCF). The operator of a PHHWCF shall be deemed to have a permit when the operator complies with subsections (d)(6)(A) and (d)(6)(C) of this section and receives an acknowledgement from CUPA or authorized agency authorizing operation of the PHHWCF pursuant to subsection (d)(6)(B) of this section. For purposes of Chapter 20 commencing with section 66270.1, and Chapter 45 commencing with section 67450.1, the public agency signing the notification required by subparagraph (A) of this paragraph shall be deemed to have the permit to operate the PHHWCF and the public agency or its contractor who conducts the operation of the PHHWCF shall assume all the responsibilities of an operator as specified in sections 67450.25 and 67450.30. A public agency operating a PHHWCF may enter into a written agreement with a person to conduct the operations at the facility. In such instances, the public agency shall be deemed the operator for the purposes of Chapters 20 and 45, and the other party to the agreement shall be deemed the contractor for the purposes of Chapters 20 and 45.

(A) The operator of a PHHWCF shall submit, in person or by certified mail with return receipt requested, a Permanent Household Hazardous Waste Collection Facility Permit by Rule Notification (DTSC Form 1094B) (11/08) to CUPA or authorized agency. The notification shall be submitted a minimum of 45 days in advance of the planned commencement of operation except as provided in subsections (c) (2) and (c) (3) of this section. Each notification required by this subsection shall be completed, dated and signed according to the requirements of section 66270.11 as those requirements apply to permit applications and shall be submitted with all of the following:

1. the name, mailing address and telephone number of the operator;
2. the facility name, address, legal description of the facility location, and identification number issued by the Department;
3. the contractor's name, address, telephone number and name of the contact person, if applicable;
4. a listing of all local and state permits required for the operation of the facility, and an indication of whether those permits have been obtained;
5. a copy of a written agreement between the property owner and facility operator, if applicable, allowing operation of the PHHWCF;
6. an indication whether the facility will accept wastes from conditionally exempt small quantity generators;
7. an identification of the types of wastes that will be consolidated at the PHHWCF, if applicable;
8. an estimate of the total quantity of waste expected to be brought to the PHHWCF in an average month;
9. the designed capacity of the storage units at the PHHWCF;
10. the operating schedule of the PHHWCF;
11. a narrative description of the facility and its operation, including a description of the length of time waste will be held at the facility;
12. a plot plan of the facility showing the general perimeters of the facility, traffic patterns, and all hazardous waste management units, and including the information specified in section 66270.14(b)(18)(A), (F), (G), (H), (J), and (L). (This requirement may be satisfied by submitting a hand drawn schematic.)

(B) CUPA or authorized agency within thirty (30) calendar days of receipt of a notification submitted pursuant to subsection (d)(6)(A) of this section, shall acknowledge in writing receipt of the notification. CUPA or authorized agency shall, in conjunction with the acknowledgement, authorize operation of the PHHWCF subject to the requirements and conditions of section 67450.25; deny authorization to operate under a permit by rule pursuant to section 67450.9(a); or notify the operator that the notification is incomplete or inaccurate and inform the operator of the additional information or correction(s) needed. CUPA or authorized agency shall deny the notification of any operator who fails to provide the information or correction(s) requested within ten (10) calendar days of receipt of the acknowledgement. Upon good cause shown by the operator, CUPA or authorized agency shall grant the operator additional time to provide the information or correction(s) requested. An operator whose notification is rejected may submit a new or revised notification.

(C) Fortyfive (45) calendar days prior to implementing any change in the operation of the facility as described in the notification required by paragraph (A) of this subsection, the operator shall send a revised notification (DTSC Form 1094B) (11/08) to CUPA or authorized agency. CUPA or authorized agency shall notify the operator if the information is incomplete or inaccurate within thirty (30) calendar days of receipt of the revised notification. Upon good cause shown by the operator, CUPA or authorized agency shall allow the operator to submit the revised notification within a shorter period of time prior to implementing the change.

(D) CUPA or authorized agency, within thirty (30) calendar days of receipt of a revised notification submitted pursuant to subsection (d)(6)(C) of this section, shall acknowledge in writing receipt of the revised notification. CUPA or authorized agency shall, in conjunction with the acknowledgment, authorize continued operation of the PHHWCF subject to the requirements and conditions of section 67450.25; deny authorization to operate under a permit by rule pursuant to section 67450.9(a); or notify the operator that the revised notification is incomplete or inaccurate and inform the operator of the additional information or correction(s) needed. CUPA or authorized agency shall deny the revised notification of any operator who fails to provide the information or correction(s) requested within ten (10) calendar days of receipt of the acknowledgement. Upon good cause shown by the operator, CUPA or authorized agency shall grant the operator additional time to provide the information or correction(s) requested. An operator whose revised notification is rejected may submit a new revised notification.

(E) Each PHHWCF operator and contractor shall comply with the requirements specified in section 67450.25 between the time the PHHWCF commences operation and the time the requirements of section 66265.111 are met.

(7) The owner or operator of a K-12 schools hazardous waste collection, consolidation, and accumulation facility (SHWCCAF). The owner or operator of a SHWCCAF shall be deemed to have a permit when the requirements of section 67450.43 are met and the SHWCCAF receives an acknowledgement from the CUPA or authorized agency authorizing operation of the SHWCCAF pursuant to sections 67450.43(e) or (g).

(A) The owner or operator of a SHWCCAF operating under a variance issued by the department shall submit a notification of intent to operate as a SHWCCAF under permit by rule pursuant to section 67450.43 no later than 45 days prior to the expiration date of the variance. The owner or operator of a SHWCCAF operating under a variance issued by the department shall discontinue operation of the SHWCCAF after the expiration date of the variance unless authorization to operate under permit by rule is received pursuant to section 67450.43(e).

NOTE: Authority cited: Sections 25150, 25150.6, 58012, 25200, 25218.3(d) and 58012, Health and Safety Code. Reference: Sections 25150.6, 25159, 25159.5, 25200, 25218.2, 25218.3 and 25218.8, Health and Safety Code.

#### HISTORY

1. New section filed 5-24-91; operative 7-1-91 (Register 91, No. 22).
2. Amendment filed 10-23-91; operative 1-1-92 (Register 92, No. 12).
3. New subsections (d)(5)-(d)(5)(C) and renumbering with amendment of text and Note filed 4-12-93; operative 4-12-93 (Register 93, No. 16).
4. Amendment of section and Note filed 8-30-95 as an emergency; operative 8-30-95 (Register 95, No. 35). A Certificate of Compliance must be transmitted to OAL by 12-28-95 or emergency language will be repealed by operation of law on the following day.
5. Amendment of section and Note refiled 12-26-95 as an emergency; operative 12-26-95 (Register 95, No. 52). A Certificate of Compliance must be transmitted to OAL by 4-24-96 or emergency language will be repealed by operation of law on the following day.
6. Amendment of section and Note refiled 4-25-96 as an emergency; operative 4-25-96 (Register 96, No. 17). A Certificate of Compliance must be transmitted to OAL by 8-23-96 or emergency language will be repealed by operation of law on the following day.
7. Amendment of section and Note refiled 8-23-96 as an emergency; operative 8-23-96 (Register 96, No. 34). A Certificate of Compliance must be transmitted to OAL by 12-23-96 or emergency language will be repealed by operation of law on the following day.
8. Certificate of Compliance as to 8-23-96 order, including amendment of section, transmitted to OAL 9-27-96 and filed 11-7-96 (Register 96, No. 45).
9. Amendment filed 1-8-99 as an emergency; operative 1-8-99 (Register 99, No. 2). A Certificate of Compliance must be transmitted to OAL by 5-10-99 or emergency language will be repealed by operation of law on the following day.

10. Amendment refiled 5-7-99 as an emergency; operative 5-7-99 (Register 99, No. 19). A Certificate of Compliance must be transmitted to OAL by 9-7-99 or emergency language will be repealed by operation of law on the following day.
11. Amendment refiled 9-3-99 as an emergency; operative 9-3-99 (Register 99, No. 36). A Certificate of Compliance must be transmitted to OAL by 1-3-2000 or emergency language will be repealed by operation of law on the following day.
12. Amendment refiled 12-29-99 as an emergency; operative 1-3-2000 (Register 99, No. 53). A Certificate of Compliance must be transmitted to OAL by 5-2-2000 or emergency language will be repealed by operation of law on the following day.
13. Certificate of Compliance as to 12-29-99 order transmitted to OAL 2-29-2000 and filed 4-11-2000 (Register 2000, No. 15).
14. Amendment of subsection (a), new subsections (d)(7)-(d)(7)(A) and amendment of Note filed 1-30-2002; operative 1-30-2002 pursuant to Government Code section 11343.4 (Register 2002, No. 5).
15. Change without regulatory effect repealing subsection (d)(5)(A)9. filed 1—13—2005 pursuant to section 100, title 1, California Code of Regulations (Register 2005, No. 2).

#### **§66270.61. Emergency Permits.**

(a) Notwithstanding any other provision of this chapter or chapter 21 of this division, in the event the Department finds an imminent and substantial endangerment to human health or the environment the Department may issue a temporary emergency permit:

(1) to an otherwise non-permitted facility, including but not limited to, a facility operating pursuant to interim status or a variance, etc., to allow transfer, treatment, storage, or disposal of hazardous waste; or

(2) to a permitted facility to allow transfer, treatment, storage, or disposal of a hazardous waste not covered by an effective permit.

(b) This emergency permit:

(1) may be oral or written. If oral, it shall be followed in five days by a written emergency permit;

(2) shall not exceed 90 days in duration;

(3) shall clearly specify the hazardous wastes to be received, and the manner and location of their transfer, treatment, storage, or disposal;

(4) may be terminated by the Department at any time without process if it is determined that termination is appropriate to protect human health or the environment;

(5) shall be accompanied by a public notice published under section 66271.9 including:

(A) name and address of the office granting the emergency authorization;

(B) name and location of the permitted HWM facility;

(C) a brief description of the wastes involved;

(D) a brief description of the action authorized and reasons for authorizing it; and

(E) duration of the emergency permit; and

(6) shall incorporate, to the extent possible and not inconsistent with the emergency situation, all applicable requirements of this chapter and chapters 14 and 16 of this division.

NOTE: Authority cited: Sections 208, 25150 and 25159, Health and Safety Code. Reference: Sections 25159 and 25159.5, Health and Safety Code; 40 CFR Section 270.61.

#### **HISTORY**

1. New section filed 5-24-91; operative 7-1-91 (Register 91, No. 22)

#### **§66270.62. Hazardous Waste Incinerator Permits.**

(a) For the purposes of determining operational readiness following completion of physical construction, the Department shall establish permit conditions, including but not limited to allowable waste feeds and operating conditions, in the permit to a new hazardous waste incinerator. These permit conditions will be effective for the minimum time required to bring the incinerator to a point of operational readiness to conduct a trial burn, not to exceed 720 hours operating time for treatment of hazardous waste. The Department may extend the duration of this operational period once, for up to 720 additional hours, at the request of the applicant when good cause is shown. The permit may be modified to reflect the extension according to section 66270.42 of this chapter.

(1) Applicants shall submit a statement, with Part B of the permit application, which suggests the conditions necessary to operate in compliance with the performance standards of section 66264.343 of this division during this period. This statement must include, at a minimum, restrictions on waste constituents, waste feed rates and the operating parameters identified in section 66264.345.

(2) The Department will review this statement and any other relevant information submitted with Part B of the permit application and specify requirements for this period sufficient to meet the performance standards of section 66264.343 of this division based on its engineering judgment.

(b) For the purposes of determining feasibility of compliance with the performance standards of section 66264.343 of this division and of determining adequate operating conditions under section 66264.345 of this division,

the Department shall establish conditions in the permit for a new hazardous waste incinerator to be effective during the trial burn.

(1) Applicants shall propose a trial burn plan, prepared under subsection (b)(2) of this section with Part B of the permit application.

(2) The trial burn plan shall include the following information:

(A) an analysis of each waste or mixture of wastes to be burned which includes:

1. heat value of the waste in the form and composition in which it will be burned;
2. viscosity (if applicable), or description of the physical form of the waste;

3. an identification of any hazardous organic constituents listed in chapter 11, Appendix VIII of this division, which are present in the waste to be burned, except that the applicant need not analyze for constituents listed in chapter 11, Appendix VIII of this division which would reasonably not be expected to be found in the waste. The constituents excluded from analysis shall be identified, and the basis for the exclusion stated. The waste analysis shall rely on analytical techniques specified in "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods", EPA publication SW-846, Third edition and updates (incorporated by reference in section 66260.11), or other equivalent;

4. an approximate quantification of the hazardous constituents identified in the waste, within the precision produced by the analytical methods specified in "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods", EPA publication SW-846, Third Edition and updates (incorporated by reference in section 66260.11), or their equivalent;

(B) a detailed engineering description of the incinerator for which the permit is sought including:

1. manufacturer's name and model number of incinerator (if available);
2. type of incinerator;
3. linear dimensions of the incinerator unit including the cross sectional area of combustion chamber;
4. description of the auxiliary fuel system type/feed);
5. capacity of prime mover;
6. description of automatic waste feed cut-off system(s);
7. stack gas monitoring and pollution control equipment;
8. nozzle and burner design;
9. construction materials;
10. location and description of temperature, pressure, and flow indicating and control devices;

(C) a detailed description of sampling and monitoring procedures, including sampling and monitoring locations in the system, the equipment to be used, sampling and monitoring frequency, and planned analytical procedures for sample analysis;

(D) a detailed test schedule for each waste for which the trial burn is planned including date(s), duration, quantity of waste to be burned, and other factors relevant to the Department's decision under subsection (b)(5) of this section;

(E) a detailed test protocol, including, for each waste identified, the ranges of temperature, waste feed rate, combustion gas velocity, use of auxiliary fuel, and any other relevant parameters that will be varied to affect the destruction and removal efficiency of the incinerator;

(F) a description of, and planned operating conditions for, any emission control equipment which will be used;

(G) procedures for rapidly stopping waste feed, shutting down the incinerator, and controlling emissions in the event of an equipment malfunction;

(H) such other information as the Department reasonably finds necessary to determine whether to approve the trial burn plan in light of the purposes of this section and the criteria in subsection (b)(5) of this section.

(3) The Department, in reviewing the trial burn plan, shall evaluate the sufficiency of the information provided and may require the applicant to supplement this information, if necessary, to achieve the purposes of this section.

(4) Based on the waste analysis data in the trial burn plan, the Department will specify as trial Principal Organic Hazardous Constituents (POHCs), those constituents for which destruction and removal efficiencies shall be calculated during the trial burn. These trial POHCs will be specified by the Department based on its estimate of the difficulty of incineration of the constituents identified in the waste analysis, their concentration or mass in the waste feed, and, for wastes listed in chapter 11, article 4, of this division, the hazardous waste organic constituent or constituents identified in Appendix VII of that chapter as the basis for listing.

(5) The Department shall approve a trial burn plan if it finds that:

(A) the trial burn is likely to determine whether the incinerator performance standard required by section 66264.343 of this division can be met;

(B) the trial burn itself will not present an imminent hazard to human health or the environment;

(C) the trial burn will help the Department to determine operating requirements to be specified under section 66264.345; and

(D) the information sought in subsections (b)(5)(A) and (B) of this section cannot reasonably be developed through other means.

(6) For facilities applying for a RCRA permit, the Director must send a notice to all persons on the facility

mailing list as set forth in section 66271.9(c)(1)(D) and to the appropriate units of State and local government as set forth in section 66271.9(c)(1)(E) announcing the scheduled commencement and completion dates for the trial burn. The applicant may not commence the trial burn until after the Director has issued such notice.

(A) This notice must be mailed within a reasonable time period before the scheduled trial burn. An additional notice is not required if the trial burn is delayed due to circumstances beyond the control of the facility or the Department.

(B) This notice must contain:

1. The name and telephone number of the applicant's contact person;
2. The name and telephone number of the permitting agency's contact office;
3. The location where the approved trial burn plan and any supporting documents can be reviewed and copied; and
4. An expected time period for commencement and completion of the trial burn.

(7) During each approved trial burn (or as soon after the burn as is practicable), the applicant shall make the following determinations:

- (A) a quantitative analysis of the trial POHCs in the waste feed to the incinerator;
  - (B) a quantitative analysis of the exhaust gas for the concentration and mass emissions of the trial POHCs, oxygen (O<sub>2</sub>) and hydrogen chloride (HCl);
  - (C) a quantitative analysis of the scrubber water (if any), ash residues, and other residues, for the purpose of estimating the fate of the trial POHCs;
  - (D) a computation of destruction and removal efficiency (DRE), in accordance with the DRE formula specified in section 66264.343(a);
  - (E) if the HCl emission rate exceeds 1.8 kilograms of HCl per hour (4 pounds per hour), a computation of HCl removal efficiency in accordance with section 66264.343(b);
  - (F) a computation of particulate emissions, in accordance with section 66264.343(c);
  - (G) an identification of sources of fugitive emissions and their means of control;
  - (H) a measurement of average, maximum, and minimum temperatures and combustion gas velocity;
  - (I) a continuous measurement of carbon monoxide (CO) in the exhaust gas;
  - (J) such other information as the Department may specify as necessary to ensure that the trial burn will determine compliance with the performance standards in section 66264.343 of this division and to establish the operating conditions required by section 66264.345 of this division as necessary to meet that performance standard.
- (8) The applicant shall submit to the Department a certification that the trial burn has been carried out in accordance with the approved trial burn plan, and shall submit the results of all the determinations required in subsection (b)(6) of this section. This submission shall be made within 90 days of completion of the trial burn, or later if approved by the Department.
- (9) All data collected during any trial burn shall be submitted to the Department following the completion of the trial burn.
- (10) All submissions required by this subsection shall be certified on behalf of the applicant by the signature of a person authorized to sign a permit application or a report under section 66270.11.
- (11) Based on the results of the trial burn, the Department shall set the operating requirements in the final permit according to section 66264.345 of this division. The permit modification shall proceed according to section 66270.42.

(c) For the purposes of allowing operation of a new hazardous waste incinerator following completion of the trial burn and prior to final modification of the permit conditions to reflect the trial burn results, the Department may establish permit conditions, including but not limited to allowable waste feeds and operating conditions sufficient to meet the requirements of section 66264.345 of this division, in the permit to a new hazardous waste incinerator. These permit conditions will be effective for the minimum time required to complete sample analysis, data computation and submission of the trial burn results by the applicant, and modification of the facility permit by the Department.

(1) Applicants shall submit a statement, with Part B of the permit application, which identifies the conditions necessary to operate in compliance with the performance standards of section 66264.343 of this division, during this period. This statement must include, at a minimum, restrictions on waste constituents, waste feed rates, and the operating parameters in section 66264.345 of this division.

(2) The Department will review this statement and any other relevant information submitted with Part B of the permit application and specify those requirements for this period most likely to meet the performance standards of section 66264.343 of this division based on the Department's engineering judgment.

(d) For the purposes of determining feasibility of compliance with the performance standards of section 66264.343 of this division and of determining adequate operating conditions under section 66264.345 of this division, the applicant for a permit for an existing hazardous waste incinerator shall prepare and submit a trial burn plan and perform a trial burn in accordance with section 66270.19(b) and subsections (b)(2) through (b)(5) and (b)(7) through (b)(10) of this section or, instead, submit other information as specified in section 66270.19(c). Applicants submitting information under section 66270.19(a) are exempt from compliance with sections 66264.343 and 66264.345 and, therefore, are exempt from the requirement to conduct a trial burn. Applicants who submit trial burn plans and

receive approval before submission of a permit application shall complete the trial burn and submit the results, specified in subsection (b)(7), with Part B of the permit application. If completion of this process conflicts with the date set for submission of the Part B application, the applicant shall contact the Department to establish a later date for submission of the Part B application or the trial burn results. Trial burn results shall be submitted prior to issuance of the permit. When the applicant submits a trial burn plan with Part B of the permit application, the Department shall specify a time period prior to permit issuance in which the trial burn shall be conducted and the results submitted.

(1) For facilities applying for RCRA permits, the Director shall announce his or her intention to approve the trial burn plan in accordance with the timing and distribution requirements of subsection (b)(6) of this section. The contents of the notice shall include: the name and telephone number of a contact person at the facility; the name and telephone number of a contact office at the Department; the location where the trial burn plan and any supporting documents can be reviewed and copied; and a schedule of the activities that are required prior to permit issuance, including the anticipated time schedule for Department approval of the plan and the time period during which the trial burn would be conducted.

NOTE: Authority cited: Sections 25150, 25159, 58004 and 58012, Health and Safety Code. Reference: Sections 25159 and 25159.5, Health and Safety Code; 40 CFR Section 270.62.

#### HISTORY

1. New section filed 5-24-91; operative 7-1-91 (Register 91, No. 22).
2. Change without regulatory effect adding new subsections (b)(6)-(b)(6)(B)d. subsection renumbering. amendment of subsection (d) and new subsection (d)(1) filed 12-19-96 pursuant to section 100, title 1, California Code of Regulations (Register 96, No. 51).
3. Change without regulatory effect amending subsection (a)(6)(A), redesignating subsections (a)(6)(B)a.-d. to subsections (a)(6)(B)1.-4., and amending subsections (d) and (d)(1) filed 6-18-97 pursuant to section 100, title 1, California Code of Regulations (Register 97, No. 25).
4. Amendment of subsections (b)(2)(A)3, and 4, and amendment of NOTE filed 10-13-98; operative 11-12-98 (Register 98, No. 42).

#### **§66270.63. Permits for Land Treatment Demonstrations Using Field Test or Laboratory Analyses.**

(a) For the purpose of allowing an owner or operator to meet the treatment demonstration requirements of section 66264.272 of this division, the Department may issue a treatment demonstration permit. The permit shall contain only those requirements necessary to meet the standards in section 66264.272(c). The permit may be issued either as a treatment or disposal permit covering only the field test or laboratory analyses, or as a two-phase facility permit covering the field tests, or laboratory analyses, and design, construction operation and maintenance of the land treatment unit.

(1) The Department shall issue a two-phase facility permit if it finds that, based on information submitted in Part B of the application, substantial, although incomplete or inconclusive, information already exists upon which to base the issuance of a facility permit.

(2) If the Department finds that not enough information exists upon which it can establish permit conditions to provide for compliance with all of the requirements of article 13 of chapter 14 of this division the Department shall issue a treatment demonstration permit covering only the field test or laboratory analyses.

(b) If the Department finds that a phased permit may be issued, the Department will establish, as requirements in the first phase of the facility permit, conditions for conducting the field tests or laboratory analyses. These permit conditions will include design and operating parameters (including the duration of the tests or analyses and, in the case of field tests, the horizontal and vertical dimensions of the treatment zone), monitoring procedures, post-demonstration clean-up activities, and any other conditions which the Department finds may be necessary under section 66264.272(c). The Department will include conditions in the second phase of the facility permit to attempt to meet all requirements listed in article 13 of chapter 14 of this division pertaining to unit design, construction, operation, and maintenance. The Department will establish these conditions in the second phase of the permit based upon the substantial but incomplete or inconclusive information contained in the Part B application.

(1) The first phase of the permit will be effective as provided in section 66271.14(b) of this division.

(2) The second phase of the permit will be effective as provided in subsection (d) of this section.

(c) When the owner or operator who has been issued a two-phase permit has completed the treatment demonstration, the owner, or operator shall submit to the Department a certification, signed by a person authorized to sign a permit application or report under section 66270.11, that the field tests or laboratory analyses have been carried out in accordance with the conditions specified in phase one of the permit for conducting such tests or analyses. The owner or operator shall also submit all data collected during the field tests or laboratory analyses within 90 days of completion of those tests or analyses unless the Department approves a later date.

(d) If the Department determines that the results of the field tests or laboratory analyses meet the requirements of section 66264.272 of this division, the Department will modify the second phase of the permit to incorporate any requirements necessary for operation of the facility in compliance with chapter 14, article 13, of this division, based upon the results of the field tests or laboratory analyses.

(1) This permit modification may proceed under section 66270.42, or otherwise will proceed as a

modification under section 66270.41(a)(2). If such modifications are necessary, the second phase of the permit shall become effective only after those modifications have been made.

(2) If no modifications of the second phase of the permit are necessary, the Department will give notice of its final decision to the permit applicant and to each person who submitted written comments on the phased permit or who requested notice of the final decision on the second phase of the permit. The second phase of the permit then will become effective as specified in section 66271.14(b).

NOTE: Authority cited: Sections 208, 25150 and 25159, Health and Safety Code. Reference: Sections 25159 and 25159.5, Health and Safety Code; 40 CFR Section 270.63.

#### HISTORY

1. New section filed 5-24-91; operative 7-1-91 (Register 91, No. 22).

### **§66270.65. Research, Development, and Demonstration Permits.**

(a) The Department may issue a research, development, and demonstration permit for any hazardous waste treatment facility which proposes to utilize an innovative and experimental hazardous waste treatment technology or process for which permit standards for such experimental activity have not been promulgated under chapter 14 or 16 of this division. Any such permit shall include such terms and conditions that shall assure protection of human health and safety, livestock, wildlife and the environment. Such permits:

(1) shall provide for the construction of such facilities as necessary, and for operation of the facility for not longer than one year unless renewed as provided in subsection (d) of this section, and

(2) shall provide for the receipt and treatment by the facility of only those types and quantities of hazardous waste which the Department deems necessary for purposes of determining the efficacy and performance capabilities of the technology or process and the effects of such technology or process on human health and safety, livestock, wildlife and the environment, and

(3) shall include such requirements as the Department deems necessary to protect human health and safety, livestock, wildlife and the environment (including, but not limited to, requirements regarding monitoring, operation, financial responsibility, closure, and remedial action), and such requirements as the Department deems necessary regarding testing and providing of information to the Department with respect to the operation of the facility.

(b) If an applicant demonstrates to the satisfaction of the Department that the expedited review and issuance of a permit under this section is necessary for the protection of human health and safety, and the environment, the Department shall modify or waive permit application and permit issuance requirements in chapters 20 and 21 of this division to the extent necessary to protect human health and safety and the environment except that there may be no modification or waiver of regulations regarding financial responsibility (including insurance) or of procedures regarding public participation.

(c) The Department shall order an immediate termination of all operations at the facility at any time the Department determines that termination is necessary to protect human health and safety, livestock, wildlife and the environment.

(d) Any permit issued under this section may be renewed not more than three times. Each such renewal shall be for a period of not more than 1 year.

NOTE: Authority cited: Sections 208, 25150 and 25159, Health and Safety Code. Reference: Sections 25159 and 25159.5, Health and Safety Code; 40 CFR Section 270.65.

#### HISTORY

1. New section filed 5-24-91; operative 7-1-91 (Register 91, No. 22).

### **§66270.66 Permits for Boilers and Industrial Furnaces Burning Hazardous Waste.**

(a) General. Owners and operators of new boilers and industrial furnaces (those not operating under the interim status standards of section 66266.103 of chapter 16) are subject to subsections (b) through (f) of this section. Boilers and industrial furnaces operating under the interim status standards of section 66266.103 of chapter 16 are subject to subsection (g) of this section.

(b) Permit operating periods for new boilers and industrial furnaces. A permit for a new boiler or industrial furnace shall specify appropriate conditions for the following operating periods:

(1) Pretreatment burn period. For the period beginning with initial introduction of hazardous waste and ending with initiation of the trial burn, and only for the minimum time required to bring the boiler or industrial furnace to a point of operational readiness to conduct a trial burn, not to exceed 720 hours operating time when burning hazardous waste, the Director shall establish in the Pretreatment Burn Period of the permit conditions, including but not limited to, allowable hazardous waste feed rates and operating conditions. The Director may extend the duration of this operational period once, for up to 720 additional hours, at the request of the applicant when good cause is shown. The permit may be modified to reflect the extension according to section 66270.42.

(A) Applicants shall submit a statement, with part B of the permit application, that suggests the conditions necessary to operate in compliance with the standards of sections 66266.104 through 66266.107 of chapter 16



during this period. This statement should include, at a minimum, restrictions on the applicable operating requirements identified in section 66266.102(e) of chapter 16.

(B) The Director will review this statement and any other relevant information submitted with part B of the permit application and specify requirements for this period sufficient to meet the performance standards of sections 66266.104 through 66266.107 of chapter 16 based on the Director's engineering judgment.

(2) Trial burn period. For the duration of the trial burn, the Director shall establish conditions in the permit for the purposes of determining feasibility of compliance with the performance standards of sections 66266.104 through 66266.107 of chapter 16 and determining adequate operating conditions under section 66266.102(e) of chapter 16. Applicants shall propose a trial burn plan, prepared under subsection (c) of this section, to be submitted with part B of the permit application.

(3) Post-trial burn period. (A) For the period immediately following completion of the trial burn, and only for the minimum period sufficient to allow sample analysis, data computation, and submission of the trial burn results by the applicant, and review of the trial burn results and modification of the facility permit by the Director to reflect the trial burn results, the Director will establish the operating requirements most likely to ensure compliance with the performance standards of sections 66266.104 through 66266.107 of chapter 16 based on the Director's engineering judgment.

(B) Applicants shall submit a statement, with part B of the application, that identifies the conditions necessary to operate during this period in compliance with the performance standards of sections 66266.104 through 66266.107 of chapter 16. This statement should include, at a minimum, restrictions on the operating requirements provided by section 66266.102(e) of chapter 16.

(C) The Director will review this statement and any other relevant information submitted with part B of the permit application and specify requirements for this period sufficient to meet the performance standards of sections 66266.104 through 66266.107 of chapter 16 based on the Director's engineering judgment.

(4) Final permit period. For the final period of operation, the Director will develop operating requirements in conformance with section 66266.102(e) of chapter 16 that reflect conditions in the trial burn plan and are likely to ensure compliance with the performance standards of sections 66266.104 through 66266.107 of chapter 16. Based on the trial burn results, the Director shall make any necessary modifications to the operating requirements to ensure compliance with the performance standards. The permit modification shall proceed according to section 66270.42.

(c) Requirements for trial burn plans. The trial burn plan shall include the following information. The Director, in reviewing the trial burn plan, shall evaluate the sufficiency of the information provided and may require the applicant to supplement this information, if necessary, to achieve the purposes of this subsection:

(1) An analysis of each feed stream, including hazardous waste, other fuels, and industrial furnace feed stocks, as fired, that includes:

(A) Heating value, levels of antimony, arsenic, barium, beryllium, cadmium, chromium, lead, mercury, silver, thallium, total chlorine/chloride, and ash;

(B) Viscosity or description of the physical form of the feed stream;

(2) An analysis of each hazardous waste, as fired, including:

(A) An identification of any hazardous organic constituents listed in appendix VIII, chapter 11, that are present in the feed stream, except that the applicant need not analyze for constituents listed in appendix VIII that would reasonably not be expected to be found in the hazardous waste. The constituents excluded from analysis shall be identified and the basis for this exclusion explained. The waste analysis shall be conducted in accordance with analytical techniques specified in "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods", US EPA publication SW-846, Third Edition and updates as incorporated by reference in section 66260.11, or their equivalent.

(B) An approximate quantification of the hazardous constituents identified in the hazardous waste, within the precision produced by the analytical methods specified in "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods," US EPA publication SW-846, Third Edition incorporated by reference in section 66260.11, or other equivalent.

(C) A description of blending procedures, if applicable, prior to firing the hazardous waste, including a detailed analysis of the hazardous waste prior to blending, an analysis of the material with which the hazardous waste is blended, and blending ratios.

(3) A detailed engineering description of the boiler or industrial furnace, including:

(A) Manufacturer's name and model number of the boiler or industrial furnace;

(B) Type of boiler or industrial furnace;

(C) Maximum design capacity in appropriate units;

(D) Description of the feed system for the hazardous waste, and, as appropriate, other fuels and industrial furnace feedstocks;

(E) Capacity of hazardous waste feed system;

(F) Description of automatic hazardous waste feed cutoff system(s); and

(G) Description of any pollution control system; and

(H) Description of stack gas monitoring and any pollution control monitoring systems.

(4) A detailed description of sampling and monitoring procedures including sampling and monitoring locations in the system, the equipment to be used, sampling and monitoring frequency, and planned analytical

procedures for sample analysis.

(5) A detailed test schedule for each hazardous waste for which the trial burn is planned, including date(s), duration, quantity of hazardous waste to be burned, and other factors relevant to the Director's decision under subsection (b)(2) of this section.

(6) A detailed test protocol, including, for each hazardous waste identified, the ranges of hazardous waste feed rate, and, as appropriate, the feed rates of other fuels and industrial furnace feedstocks, and any other relevant parameters that may affect the ability of the boiler or industrial furnace to meet the performance standards in sections 66266.104 through 66266.107 of chapter 16.

(7) A description of, and planned operating conditions for, any emission control equipment that will be used.

(8) Procedures for rapidly stopping the hazardous waste feed and controlling emissions in the event of an equipment malfunction.

(9) Such other information as the Director reasonably finds necessary to determine whether to approve the trial burn plan in light of the purposes of this subsection and the criteria in subsection (b)(2) of this section.

(d) Trial burn procedures.

(1) A trial burn shall be conducted to demonstrate conformance with the standards of sections 66266.104 through 66266.107 of chapter 16 under an approved trial burn plan.

(2) The Director shall approve a trial burn plan if the Director finds that:

(A) The trial burn is likely to determine whether the boiler or industrial furnace can meet the performance standards of sections 66266.104 through 66266.107 of chapter 16;

(B) The trial burn itself will not present an imminent hazard to human health and the environment;

(C) The trial burn will help the Director to determine operating requirements to be specified under section 66266.102(e) of chapter 16; and

(D) The information sought in the trial burn cannot reasonably be developed through other means.

(3) The applicant shall submit to the Director a certification that the trial burn has been carried out in accordance with the approved trial burn plan, and shall submit the results of all the determinations required in subsection (c) of this section. This submission shall be made within 90 days of completion of the trial burn, or later if approved by the Director.

(4) All data collected during any trial burn shall be submitted to the Director following completion of the trial burn.

(5) All submissions required by this subsection shall be certified on behalf of the applicant by the signature of a person authorized to sign a permit application or a report under section 66270.11.

(6) For facilities applying for RCRA permits, the Director must send a notice to all persons on the facility mailing list as set forth in section 66271.9(c)(1)(D) and to the appropriate units of State and local government as set forth in section 66271.9(c)(1)(E) announcing the scheduled commencement and completion dates for the trial burn. The applicant may not commence the trial burn until after the Director has issued such notice.

(A) This notice must be mailed within a reasonable time period before the trial burn. An additional notice is not required if the trial burn is delayed due to circumstances beyond the control of the facility or the Department.

(B) This notice must contain:

1. The name and telephone number of applicant's contact person;

2. The name and telephone number of the permitting agency contact office;

3. The location where the approved trial burn plan and any supporting documents can be reviewed and copied; and

4. An expected time period for commencement and completion of the trial burn.

(e) Special procedures for DRE trial burns. When a DRE trial burn is required under section 66266.104(a) of chapter 16, the Director will specify (based on the hazardous waste analysis data and other information in the trial burn plan) as trial Principal Organic Hazardous Constituents (POHCs) those compounds for which destruction and removal efficiencies shall be calculated during the trial burn. These trial POHCs will be specified by the Director based on information including the Director's estimate of the difficulty of destroying the constituents identified in the hazardous waste analysis, their concentrations or mass in the hazardous waste feed, and, for hazardous waste containing or derived from wastes listed in chapter 11, article 4, the hazardous waste organic constituent(s) identified in appendix VII of that chapter as the basis for listing.

(f) Determinations based on trial burn. During each approved trial burn (or as soon after the burn as is practicable), the applicant shall make the following determinations:

(1) A quantitative analysis of the levels of antimony, arsenic, barium, beryllium, cadmium, chromium, lead, mercury, thallium, silver, and chlorine/chloride, in the feed streams (hazardous waste, other fuels, and industrial furnace feedstocks);

(2) When a DRE trial burn is required under section 66266.104(a) of chapter 16:

(A) A quantitative analysis of the trial POHCs in the hazardous waste feed;

(B) A quantitative analysis of the stack gas for the concentration and mass emissions of the trial POHCs;

and

(C) A computation of destruction and removal efficiency (DRE), in accordance with the DRE formula specified in section 66266.104(a) of chapter 16;

(3) When a trial burn for chlorinated dioxins and furans is required under section 66266.104(e) of chapter 16, a quantitative analysis of the stack gas for the concentration and mass emission rate of the 2,3,7,8-chlorinated tetra-octa congeners of chlorinated dibenzo-p-dioxins and furans, and a computation showing conformance with the emission standard.

(4) When a trial burn for particulate matter, metals, or HCl/Cl<sub>2</sub> is required under sections 66266.105, 66266.106 (c) or (d), or 66266.107 (b)(2) or (c) of chapter 16, a quantitative analysis of the stack gas for the concentrations and mass emissions of particulate matter, metals, or hydrogen chloride (HCl) and chlorine (Cl<sub>2</sub>), and computations showing conformance with the applicable emission performance standards;

(5) When a trial burn for DRE, metals, or HCl/Cl<sub>2</sub> is required under sections 66266.104(a), 66266.106 (c) or (d), or 66266.107 (b)(2) or (c) of chapter 16, a quantitative analysis of the scrubber water (if any), ash residues, other residues, and products for the purpose of estimating the fate of the trial POHCs, metals, and chlorine/chloride;

(6) An identification of sources of fugitive emissions and their means of control;

(7) A continuous measurement of carbon monoxide (CO), oxygen, and where required, hydrocarbons (HC), in the stack gas; and

(8) Such other information as the Director may specify as necessary to ensure that the trial burn will determine compliance with the performance standards in sections 66266.104 through 66266.107 of chapter 16 and to establish the operating conditions required by section 66266.102(e) of chapter 16 as necessary to meet those performance standards.

(g) Interim status boilers and industrial furnaces. For the purpose of determining feasibility of compliance with the performance standards of sections 66266.104 through 66266.107 of chapter 16 and of determining adequate operating conditions under section 66266.103 of chapter 16, applicants owning or operating existing boilers or industrial furnaces operated under the interim status standards of section 66266.103 shall either prepare and submit a trial burn plan and perform a trial burn in accordance with the requirements of this section or submit other information as specified in section 66270.22(a)(6). Applicants who submit a trial burn plan and receive approval before submission of the part B permit application shall complete the trial burn and submit the results specified in subsection (f) of this section with the part B permit application. If completion of this process conflicts with the date set for submission of the part B application, the applicant shall contact the Director to establish a later date for submission of the part B application or the trial burn results. If the applicant submits a trial burn plan with part B of the permit application, the trial burn shall be conducted and the results submitted within a time period prior to permit issuance to be specified by the Director.

(1) For facilities applying for RCRA permits, the Director must announce his or her intention to approve of the trial burn plan in accordance with the timing and distribution requirements of paragraph (d)(6) of this section. The contents of the notice must include: the name and telephone number of a contact person at the facility; the name and telephone number of a contact office at the permitting agency; the location where the trial burn plan and any supporting documents can be reviewed and copied; and a schedule of the activities that are required prior to permit issuance, including the anticipated time schedule for agency approval of the plan and the time period during which the trial burn would be conducted.

NOTE: Authority cited: Sections 25150, 25159, 25159.5, 25245, 58004 and 58012, Health and Safety Code.  
Reference: Sections 25159 and 25159.5, Health and Safety Code; and 40 CFR Section 270.66.

#### HISTORY

1. New section filed 9-29-93 as an emergency; operative 9-29-93 (Register 93, No. 40). A Certificate of Compliance must be transmitted to OAL by 1-27-94 or emergency language will be repealed by operation of law on the following day.
2. Editorial correction of Note (Register 94, No. 3).
3. New section refiled 1-19-94 as an emergency; operative 1-19-94 (Register 94, No. 3). A Certificate of Compliance must be transmitted to OAL by 5-19-94 or emergency language will be repealed by operation of law on the following day.
4. Editorial correction adding History 3 (Register 94, No. 9).
5. New section refiled 5-23-94 with amendment of subsection (c) as an emergency; operative 5-23-94 (Register 94, No. 21). A Certificate of Compliance must be transmitted to OAL by 9-20-94 or emergency language will be repealed by operation of law on the following day.
6. New section refiled 9-19-94 with amendment of subsection (a)(3) and Note as an emergency; operative 9-19-94 (Register 94, No. 38). A Certificate of Compliance must be transmitted to OAL by 1-17-95 or emergency language will be repealed by operation of law on the following day.
7. Repealed by operation of Government Code section 11346.1(g) (Register 95, No. 10).
8. New section filed 3-8-95; operative 3-8-95 pursuant to Government Code section 11343.4(d) (Register 95, No. 10).
9. Renumbering of former section 66270.66 to new section 66270.69 and new section 66270.66 filed 7-1-96; operative 7-31-96 (Register 96, No. 27).
10. Change without regulatory effect adding new subsections (d)(6)-(d)(6)(B)d. and (g)(1) filed 12-19-96 pursuant to section 100, title 1, California Code of Regulations (Register 96, No. 51).
11. Change without regulatory effect amending subsections (b)(1), (d)(2)(C) and (g) filed 6-12-97 pursuant to section

100, title 1, California Code of Regulations (Register 97, No. 24).

12. Change without regulatory effect amending subsection (d)(6)(A) and redesignating subsections (d)(6)(B)a.-d. to subsections (d)(6)(B) 1.-4. filed 6-18-97 pursuant to section 100, title 1, California Code of Regulations (Register 97, No. 25).

13. Amendment of subsection (c)(2)(A) filed 10-13-98; operative 11-12-98 (Register 98, No. 42).

14. Change without regulatory effect amending subsections (c)(2)(B) and (g)(1) filed 7—1—2004 pursuant to section 100, title 1, California Code of Regulations (Register 2004, No. 27).

**§66270.67. Transportable Treatment Unit Standardized Permit.**

(a) The owner or operator of a TTU that treats reactive wastes or extremely hazardous wastes, the treatment of which does not require a permit under the federal act, is eligible for a TTU Standardized Permit, except when conducting the following activities:

(1) used oil recycling activities as defined in Health and Safety Code section 25250.1;  
 (2) recycling or reclamation of federally regulated solvents identified by EPA hazardous waste numbers F001, F002, F003, F004 and F005 pursuant to 40 CFR section 261.31.

(3) operating treatment units that are not authorized pursuant to Title 22, California Code of Regulations, Division 4.5, Chapter 14 or Chapter 15 that engage in incineration, thermal destruction or land disposal activities.

(b) To apply for a TTU Standardized Permit, the owner or operator shall submit to Department the following information dated and signed as required by section 66270.11 for TTU operation:

(1) name, mailing address, and telephone number of both the owner and operator of the TTU;  
 (2) name and address or legal description of the location where the TTU is stored when not in use;  
 (3) identification number of the location where the TTU is stored, if any, and Board of Equalization account number;  
 (4) a description of the specific waste type(s) that will be treated;  
 (5) a description of the treatment process(s) that will be used;  
 (6) a description of how all treatment effluents and residuals will be managed;  
 (7) the serial number of the TTU for which a permit is requested;  
 (8) information as to whether the TTU operation is new or existing;  
 (9) a detailed sampling and waste analysis plan describing how representative samples will be collected and analyzed during TTU operations as required by section 66264.13;  
 (10) a description of procedures to prevent the release of hazardous waste and constituents to air, soil and groundwater during TTU operations;  
 (11) information on how the owner of the property where the TTU is stored will be notified that the TTU is being stored on the property;  
 (12) a description of preparedness and prevention procedures for the TTU operations, as required pursuant to chapter 14, article 3 of this division for the TTU operations;  
 (13) training documents as specified in section 66264.16(d)(4);  
 (14) a copy of the contingency plan for as specified by chapter 14, article 4 of this division;  
 (15) documentation of compliance with article 8 of chapter 14 of this division for financial responsibility; and  
 (16) a written closure plan as specified by section 67450.3(a)(13)(B).

(c) The owner or operator of the TTU shall discharge any effluent or treatment residual during TTU operation pursuant to section 67450.3(a)(7).

(d) The Department shall issue, modify, reissue, deny or revoke the permit for TTU operation pursuant to the procedures in Chapter 21 except for section 66271.2(a).

(e) The Department shall not begin the processing of a permit until the applicant has fully complied with subsection (b) of this section for that permit.

(f) California Environmental Quality Act (CEQA) information requirements. Unless the Department has determined that the activity to be permitted is exempt from the requirements of CEQA pursuant to title 14, CCR, section 15061, the applicant shall submit all information necessary to enable the Department to prepare an Initial Study meeting the requirements of title 14, CCR, section 15063.

(g) The owner or operator of the TTU shall submit to the Department, for each site where the TTU will perform treatment, site-specific information, as specified by subsections 67450.3(a)(3)(A) and (C), and a certification, signed by the owner or operator, specifying the local authorities that have been notified of the intended date(s) of operation, pursuant to section 67450.3(a)(3)(B). The site-specific information shall be submitted at least twenty-one (21) days prior to each site visit, unless the Department approves a shorter period of time upon a showing of good cause by the owner or operator. The information shall be completed, dated and signed according to the requirements of section 66270.11.

(h) If the owner or operator of the TTU is the generator of the waste influents treated by the TTU, the owner or operator is subject to the corrective action requirements specified in section 66264.100.

(i) The TTU may only be stationed and operated at a site if the conditions specified in section 67450.3(a)(8) are met.

(j) The owner or operator of a TTU who uses rental equipment shall do all of the following:

- (1) prior to use of the TTU, notify the rental equipment owner of how the rental equipment will be used;
- (2) properly remove and/or decontaminate equipment, structures, soil and all collected materials and wastes after termination of the TTU operation and assure that all contaminated materials and wastes are removed by a registered hazardous waste transporter or as otherwise authorized by law.
- (3) certify in writing to the rental equipment owner that the rental equipment has been properly decontaminated; and
- (4) keep copies of all correspondence related to rental equipment for three (3) years.
- (k) The owner or operator of the TTU shall prepare and submit an annual report for TTU operation to the Department as specified in section 67450.3(a)(12).
- (l) The owner or operator of the TTU shall maintain compliance for TTU operation with the following requirements:
  - (1) H&SC, sections 25200.2, annual and facility fees.
  - (2) H&SC, section 25205.7, application processing fee requirements.
  - (3) section 66264.11, Identification Number.
  - (4) section 66264.14, Security Requirements.
  - (5) section 66264.15, General Inspection Requirements.
  - (6) section 66264.17, General Requirements for Ignitable, Reactive, or Incompatible Wastes.
  - (7) section 66264.114, Disposal or Decontamination of Equipment, Structures and Soils.
  - (8) sections 66264.117, 66264.118, 66264.119, and 66264.120, post closure requirements.
  - (9) section 66264.143, Financial Assurance for Closure.
  - (10) chapter 14 of this division:
    - (A) article 5. Manifest System, Recordkeeping and Reporting (except for sections 66264.73(b)(2), 66264.73(b)(6), 66264.73(b)(7), 66264.73(b)(15) and 66264.75;
    - (B) article 9. Use and Management of Containers; and
    - (C) article 10. Tank Systems.
  - (11) chapter 15, article 17; Chemical, Physical, and Biological Treatment
  - (12) section 66270.42, Permit Modification at the Request of the Permittee.
- (m) If treatment is conducted in containers and/or tanks, the owner or operator of TTU shall comply with the containment requirements of sections 66264.175 and 66264.193, respectively.
- (n) The owner or operator of the TTU shall maintain the TTU Standardized Permit and the documents specified in subsections (g), (j) and (k) of this section at the site or facility where the TTU is operating. The owner or operator shall make these documents available upon demand at the site or facility to any representative of the Department, the U.S. Environmental Protection Agency or a local governmental agency.

NOTE: Authority cited: Sections 25150 and 58012, Health and Safety Code. Reference: Sections 25150 and 25200.2, Health and Safety Code.

#### HISTORY

- 1. New section filed 5-14-2001; operative 6-13-2001 (Register 2001, No. 20).

#### **§66270.68. [Reserved]**

#### **§66270.69. Standardized Permit.**

- (a) Notwithstanding any other provisions of this division, offsite treatment or storage activities, other than those specified in paragraphs (1) through (3) of this section, that do not require a permit under the federal act may be eligible for a standardized permit pursuant to section 25201.6 of the Health and Safety Code. The following are not eligible for a standardized permit:
  - (1) used oil recycling activities as defined in Health and Safety Code section 25250.1;
  - (2) recycling or reclamation of federally regulated solvents identified by EPA hazardous waste numbers F001, F002, F003, F004 and F005 pursuant to 40 CFR section 261.31.
  - (3) units that are not authorized to operate pursuant to Title 22, California Code of Regulations, Division 4.5, Chapter 14 or Chapter 15 that engage in incineration, thermal destruction or land disposal activities.
- (b) Each hazardous waste treatment or storage facility conducting activities pursuant to a standardized permit shall be designated as a Series A, Series B or Series C standardized permit facility as defined in Health and Safety Code section 25201.6.
- (c) A facility that performs activities that meet the criteria for more than one of the standardized permit series shall be classified as the highest of the applicable series.

NOTE: Authority cited: Sections 25150, 25201.6, 58004 and 58012, Health and Safety Code, Reference: Sections 25150, 25201.6 and 25250.1, Health and Safety Code.

#### HISTORY

- 1. Renumbering of former section 66270.66 to new section 66270.69 and amendment of NOTE filed 7-1-96; operative 7-31-96 (Register 96, No. 27).

2. Change without regulatory effect repealing subsection (d) filed 4—4—2002 pursuant to section 100, title 1, California Code of Regulations (Register 2002, No. 14).